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5
6 **UNITED STATES DISTRICT COURT**
7 **FOR THE**
8 **DISTRICT OF NEW JERSEY**

8 JAMES DURST,)

9 Plaintiff)

10 v.)

11 ENHANCED RECOVERY COMPANY,)
12 LLC,)

13 Defendant)

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

14
15 **COMPLAINT**

16 JAMES DURST ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C., alleges
17 the following against ENHANCED RECOVERY COMPANY, LLC ("Defendant"):

18
19 **INTRODUCTION**

20 1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15
21 U.S.C. § 1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive,
22 deceptive, and unfair practices and the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et*
23 *seq.* ("TCPA").
24
25

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the State of New Jersey and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in Pennsauken, New Jersey, 08110.

7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters located at 8014 Bayberry Road, Jacksonville, Florida, 32256.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties.

1 See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that
2 violates its provisions, and establishes general standards of debt collector conduct, defines abuse,
3 and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the
4 FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and
5 misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or
6 unconscionable conduct, both generally and in a specific list of disapproved practices.

7
8 12. In particular, the FDCPA broadly enumerates several practices considered
9 contrary to its stated purpose, and forbids debt collectors from taking such action. The
10 substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not
11 engage in any conduct the natural consequence of which is to harass, oppress, or abuse any
12 person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt
13 collector may not use any false, deceptive, or misleading representation or means in connection
14 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use
15 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.
16 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there
17 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which
18 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in
19 connection with the collection of a debt.

20
21 13. In enacting the FDCPA, the United States Congress found that “[t]here is
22 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many
23 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,
24 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress
25

1 additionally found existing laws and procedures for redressing debt collection injuries to be
2 inadequate to protect consumers. 15 U.S.C. § 1692b.

3 14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt
4 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection
5 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt
6 collection practices are not competitively disadvantaged, and to promote consistent State action
7 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.
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10 **FACTUAL ALLEGATIONS**

11 15. At all relevant times, Defendant was attempting to collect an alleged consumer
12 debt from Plaintiff.

13 16. The alleged debt at issue arose out of transactions, which were primarily for
14 personal, family, or household purposes.

15 17. Beginning in or before January 2011 and continuing through February 2011,
16 Defendant made continuous and repeated calls to Plaintiff’s cellular telephone number in an
17 attempt to collect a consumer debt from Plaintiff.

18 18. Plaintiff received telephone calls and voicemail messages from Defendant on a
19 number of occasions including but not limited to, calls on January 7, 2011 at 4:48 p.m.; January
20 12, 2011 at 5:32 p.m. and 5:33 p.m.; January 18, 2011 at 2:19 p.m. and 2:20 p.m.; January 25,
21 2011 at 12:55 p.m.; February 1, 2011 at 1:00 p.m.; and February 8, 2011 at 6:46 p.m., from the
22 following phone number: (800) 496-4598, which the undersigned has confirmed is a phone
23 number for Defendant.
24

25 19. Further, when contacting Plaintiff on his cellular telephone, upon information and

1 belief, Defendant used an automated telephone dialing system or pre-recorded or artificial voice.

2 20. Plaintiff did not expressly consent to Defendant's placement of telephone calls to
3 his cellular telephone by the use of an automatic telephone dialing system or pre-recorded or
4 artificial voice prior to Defendant's placement of the calls.

5 21. None of Defendant's telephone calls placed to Plaintiff were for "emergency
6 purposes," as specified in 47 U.S.C. §227(b)(1)(A).

7 22. On January 25, 2010, 12:55 p.m. and February 8, 2011, 6:46 p.m., Defendant
8 contacted Plaintiff and left a pre-recorded voicemail messages on his cellular phone, providing
9 him a reference no. "39744636," but not informing him that the call was an "attempt to collect a
10 debt."
11

12 23. After the initial correspondence with Defendant back in January 2011, Plaintiff
13 has still not received a letter notifying him of his rights and privileges under the law, specifically
14 the right to dispute and/or request verification of the alleged debt.

15 24. Defendant's actions in attempting to collect the alleged debt were harassing,
16 abusive and highly deceptive.
17

18 **CONSTRUCTION OF APPLICABLE LAW**

19 ***THE FAIR DEBT COLLECTION PRACTICES ACT***

20 25. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &
21 Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes strict liability, a consumer
22 need not show intentional conduct by the debt collector to be entitled to damages." Russell v.
23 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233
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1 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector's legal status
2 violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

3 26. The FDCPA is a remedial statute, and therefore must be construed liberally in
4 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The
5 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit
6 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the
7 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be
8 construed liberally in favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.
9 2002).

10 27. The FDCPA is to be interpreted in accordance with the "least sophisticated"
11 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano
12 v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,
13 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not "made for the protection of experts, but for
14 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,
15 and the fact that a false statement may be obviously false to those who are trained and
16 experienced does not change its character, nor take away its power to deceive others less
17 experienced." Id. The least sophisticated consumer standard serves a dual purpose in that it
18 ensures protection of all consumers, even naive and trusting, against deceptive collection
19 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of
20 collection notices. Clomon, 988 F. 2d at 1318.
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THE TELEPHONE CONSUMER PROTECTION ACT OF 1991

28. In 1991, Congress enacted the TCPA, in response to a growing number of consumer complaints regarding certain telemarketing practices.

29. The TCPA regulates, among other things, the use of automated telephone equipment, or "autodialers." Specifically, the plain language of section 227(b)(1)(A)(iii) prohibits the use of autodialers to make any call to a wireless number in the absence of an emergency or the prior express consent of the called party.

30. According to findings by the Federal Communication Commission ("FCC"), the agency Congress vested with authority to issue regulations implementing the TCPA, such calls are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient. The FCC also recognized that wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used.

31. On January 4, 2008, the FCC released a Declaratory Ruling wherein it confirmed that autodialed and prerecorded message calls to a wireless number by a creditor (or on behalf of a creditor) are permitted only if the calls are made with the "prior express consent" of the called party. The FCC "emphasize[d] that prior express consent is deemed to be granted only if the wireless number was provided by the consumer to the creditor, and that such number was provided during the transaction that resulted in the debt owed."

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

32. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Defendant violated of the FDCPA generally;
- b. Defendant violated §1692d of the FDCPA by harassing Plaintiff in connection with the collection of an alleged debt;
- c. Defendant violated §1692d(5) of the FDCPA, when it caused the Plaintiff's telephone to ring repeatedly or continuously with the intent to harass, annoy or abuse Plaintiff;
- d. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication is from a debt collector;
- f. Defendant violated §1692f of the FDCPA by using unfair and unconscionable means with Plaintiff to collect or attempt to collect a debt;
- g. Defendant violated § 1692g of the FDCPA by failing to send written notification, within five (5) days after its initial communication with Plaintiff, advising Plaintiff of her rights to dispute the debt or request verification of the debt; and
- h. Defendant acted in an otherwise deceptive, unfair and unconscionable manner and failed to comply with the FDCPA.

COUNT II

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

35. Plaintiff hereby incorporates all facts and allegations specified in all preceding paragraphs, by reference as if fully set forth at length.

1 36. The Telephone Consumer Protection Act ("TCPA"), codified at 47 U.S.C. § 227
2 *et seq.*, prohibits the use of an automated or pre-recorded voice to a consumer on any number
3 assigned to a cellular phone. See 47 U.S.C. § 227(b)(1)(A)(iii).

4 37. A person may bring a private cause of action "based on a violation of this
5 subsection or the regulations prescribed under this subsection to enjoin such violation" under §
6 227(b)(3)(A) of the TCPA.

7 38. A person is entitled to bring "an action to recover for actual monetary loss from
8 such a violation, or to receive \$500 in damages for each such violation, whichever is greater"
9 under § 227(c)(5)(B) of the TCPA.

10 39. The Court, in its discretion, is authorized to award up to three (3) times the actual
11 damages sustained for Defendant's violations by § 227(c)(5) of the TCPA.

12 40. Defendant repeatedly and regularly placed automated calls to Plaintiff's cellular
13 telephone, leaving several pre-recorded or automated messages.

14 41. Defendant's conduct violated § 227(b)(1)(A)(iii) of the TCPA by making any call
15 using any automatic telephone dialing system or an artificial prerecorded voice to a telephone
16 number assigned to a cellular telephone service.

17 WHEREFORE, Plaintiff, JAMES DURST, respectfully prays for a judgment as follows:

- 18 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §
19 1692k(a)(1);
- 20 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant
21 to 15 U.S.C. § 1692k(a)(2)(A);
- 22 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
23 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3);
- 24 d. Statutory damages of \$500 for each violation of the TCPA, pursuant to 47
25 U.S.C. § 227(c)(5)(B); and

1 e. Any other relief deemed appropriate by this Honorable Court.

2
3 **DEMAND FOR JURY TRIAL**

4 PLEASE TAKE NOTICE that Plaintiff, JAMES DURST, demands a jury trial in this
5 case.

6
7 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

8 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not
9 subject to any other action pending in any court, arbitration or administrative proceeding.
10

11
12 RESPECTFULLY SUBMITTED,

13 DATED: 05/31/11

KIMMEL & SILVERMAN, P.C.

14 By: /s/ Amy L. Bennecoff

15 Amy L. Bennecoff
16 Attorney ID # AB 0891
17 Kimmel & Silverman, P.C
18 1930 E. Marlton Pike, Suite Q29
19 Cherry Hill, New Jersey 08003
20 Phone: (856) 429-8334
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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS JAMES DURST (b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Amy L. Bennecoff, Esq., Kimmel & Silverman, PC, 1930 E. Marlton Pike, Suite Q29, Cherry Hill, New Jersey 08003, 215-540-8888	DEFENDANTS ENHANCED RECOVERY COMPANY, LLC County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Citizen of This State</th> <th style="text-align: center; border-bottom: 1px solid black;">PTF</th> <th style="text-align: center; border-bottom: 1px solid black;">DEF</th> <th style="text-align: left; border-bottom: 1px solid black;">Incorporated or Principal Place of Business In This State</th> <th style="text-align: center; border-bottom: 1px solid black;">PTF</th> <th style="text-align: center; border-bottom: 1px solid black;">DEF</th> </tr> <tr> <td style="border-bottom: 1px solid black;">Citizen of Another State</td> <td style="text-align: center; border-bottom: 1px solid black;">1</td> <td style="text-align: center; border-bottom: 1px solid black;">1</td> <td style="border-bottom: 1px solid black;">Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center; border-bottom: 1px solid black;">4</td> <td style="text-align: center; border-bottom: 1px solid black;">4</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Citizen or Subject of a Foreign Country</td> <td style="text-align: center; border-bottom: 1px solid black;">2</td> <td style="text-align: center; border-bottom: 1px solid black;">2</td> <td style="border-bottom: 1px solid black;">Foreign Nation</td> <td style="text-align: center; border-bottom: 1px solid black;">5</td> <td style="text-align: center; border-bottom: 1px solid black;">5</td> </tr> <tr> <td></td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td></td> <td style="text-align: center;">6</td> <td style="text-align: center;">6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF	Citizen of Another State	1	1	Incorporated and Principal Place of Business In Another State	4	4	Citizen or Subject of a Foreign Country	2	2	Foreign Nation	5	5		3	3		6	6
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Citizen or Subject of a Foreign Country	2	2	Foreign Nation	5	5																				
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IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN <input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>15 U.S.C. 1692 et seq</u> Brief description of cause: <u>Fair Debt Collection Practices Act</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
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DATE 05/31/2011	SIGNATURE OF ATTORNEY OF RECORD /s/ Amy L. Bennecoff
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FOR OFFICE USE ONLY				
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____